

MINUTES
Regular Meeting of the College Park City Council
Tuesday, November 24, 2015
Council Chambers
7:30 p.m. – 9:11 p.m.

PRESENT: Mayor Fellows; Councilmembers Kabir, Wojahn, Dennis, Stullich (arrived at 7:35 p.m.), Day, Hew and Mitchell.

ABSENT: Councilmember Brennan.

ALSO PRESENT: Scott Somers, City Manager; Bill Gardiner, Assistant City Manager; Yvette Allen, City Clerk; Suellen Ferguson, City Attorney; Steve Groh, Director of Finance; Bob Ryan, Director of Public Services Jim Miller, Parking Enforcement Manager; Steve Groh, Finance Director; Councilmembers-elect Mary Cook and Christine Nagle; Cole Holocker, Student Liaison; Adler Pruitt, Deputy Student Liaison.

Mayor Fellows opened the Regular Meeting at 7:30 p.m. Councilmember Day led the Pledge of Allegiance.

Minutes: A motion was made by Councilmember Dennis and seconded by Councilmember Day to adopt the minutes of the November 10, 2015 Regular Meeting; November 10, 2015 Public Hearings on Charter Amendment 15-CR-01 and Ordinance 15-O-06. The motion passed 6 – 0 – 0.

Announcements:

Councilmember Dennis stated that the Martin Luther King celebration would be held on January 16, 2016 at the Claire Smith Theater on the campus of the University of Maryland.

Councilmember Wojahn invited everyone to attend the next “Live Smart Eat Local” event on December 16, 2016 at 7:00 p.m. at Mamma Lucia’s by the Shoppers Food Warehouse. The VIP in attendance would be Mr. Scott Somers.

Councilmember Kabir reminded everyone of the Winter Coat Drive which concludes tomorrow, November 25, 2015. Boxes are located at City Hall, Davis Hall, Youth & Family Services and Department of Public Works.

Amendments to the Agenda: None

City Manager’s Report: Mr. Somers reminded everyone that all City buildings would be closed on Thursday, November 26 and Friday, November 27 for Thanksgiving. November 30 is the College Park Legislative Dinner at the College Park Golf Course Clubhouse. The College Park Community Foundation will host an event on December 5 from 6:00 pm -11:00 p.m. The cost is \$50 per person and RSVPs are needed.

Student Liaison's Report: Mr. Holocker stated that there will be an increase in security at all University of Maryland athletic events. All students are required to take an online course on sexual assault training and compliance.

Comments From The Audience on Non-Agenda Items: None

CONSENT AGENDA:

A motion was made by Councilmember Dennis and seconded by Councilmember Wojahn to adopt the Consent Agenda, which consisted of the following items:

- 15-G-129** Award of FY '16 Fire Department Grants as follows: College Park Volunteer Fire Department, Inc., \$17,500 to apply toward purchase of CPVFD-owned and controlled ladder truck, estimated to cost \$900,000; Branchville Volunteer Fire Company & Rescue Squad, Inc., \$17,500 to apply toward purchase of new 2016 ambulance; Berwyn Heights Volunteer Fire Department & Rescue Squad, Inc., \$17,500 to use to supplement a deposit on a new rescue squad vehicle, estimated to cost \$900,000- 1,000,000. The FY2016 adopted budget provides \$52,500 in funding in C.I.P. project 012006, account 25-40 for these capital equipment grants.
- 15-G-130** Award of FY '16 Community Services Grants in the amount of \$2,500 each to the following recipients: The National Museum of Language, Inc. for Language camp, social media manager; Lakeland Community Heritage Project for Lakeland Heritage weekend; American Legion Auxiliary, College Park Unit 217 for Scholarships for Miss College Park pageant participants; Pregnancy Aid Centers, Inc. for their food pantry program; College Park Woods Swim Club for Senior day camp; Embry Center for Family Life for Lakeland All-Stars basketball program; and College Park Church of the Nazarene for the College Park community library, for a total of \$ 17,500.
- 15-G-131** Authorization for Corvias Solutions and Prince George's County to proceed with planning stormwater management projects in the City at locations to be determined with further consultation with the City.
- 15-R-25** A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Amending Resolutions 97-R-17, 99-R-4 And 10-R-13 To Clarify The Purpose Of The Education Advisory Committee And Change Meeting Requirements.
- 15-R-26** A Resolution Of The Mayor And Council Of The City Of College Park, Maryland Amending Resolutions 07-R-17 And 10-R-20 To Clarify The Purpose Of The Animal Welfare Committee.
- 15-R-27** A Resolution Of The Mayor And Council Of The City Of College Park, Maryland, Amending The Charter For The Veterans Memorial Improvement Committee To Change The Name Of The Committee And Specify The Types Of Flags To Be Flown.

15-R-28 A City Policy Regarding Fundraising and Funds Held For City-appointed Authorities, Boards, Commissions and Committees, Or For Outside Entities.

The motion passed 7 – 0 – 0.

ACTION ITEMS:

15-G-121 Council Action on Residential Permit Restricted Parking in the 5100 block of Mineola Road

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to approve residential permit restricted parking in the 5100 block of Mineola Road with three parking permits per house, 24/7 enforcement, and two visitors permits per house.

Due to the earlier public hearing, no audience comments were taken.

A motion was made by Councilmember Wojahn and seconded by Councilmember Stullich to amend the motion to have a consistent number of permits (3 permits) in both the 5200 and 5100 block of Mineola Road.

Mr. Miller reviewed the same information presented to Council at the October meeting which included results of the parking survey: There are about 30 available parking spaces in the 5200 block and 24 spaces in the 5100 block of Mineola Road. Many homes do have a driveway and parking is permitted in front of the driveway by the owner of the residence. The two blocks seem to be at capacity at certain times. If all parking permits (not including visitor passes) are sold, we would over sell the amount of parking that is feasible and would push parking in to the next block which will potentially cause more parking issues.

There was a discussion between Council and staff regarding vehicle size, parking spot size, how people park, the survey completed by parking enforcement staff, the outcome from the public hearing regarding the 5200 block of Mineola Road, overselling of parking permits, parking spillover to other streets, hours of enforcement and why one block is getting a different number of permits than the other.

Councilmember Wojahn said many houses have three cars and they won't be allowed to park their own cars on the block if we only allow 2 permits per household. The number should be consistent on both blocks.

There was no audience comment on this amendment.

Councilmember Hew wondered if a different number of permits could be issued for houses that have driveways and those that do not. Mr. Ryan said it could be done.

This amendment failed: 1 – 5 - 1 (Kabir, Dennis, Day, Hew and Mitchell opposed; Stullich abstained).

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to amend his original motion to issue two parking permits per house, 24/7 enforcement, and two visitor permits per house.

There were no comments from the audience on this amendment.

Councilmember Wojahn commented that the parking permit proposal is going in the wrong direction and the parking issue as a whole needs further study. Many of these residents have more than two cars.

This amendment passed 5 – 2 - 0.

The amended motion passed 6 – 0 – 1 (Councilmember Wojahn abstained).

15-G-132 Approval of City Comments on DSP 1113045 for Greenbelt Station South Core Phase III

A motion was made by Councilmember Wojahn and seconded Councilmember Hew to request the following conditions from the Prince George's County Planning Board for Detailed Site Plan 13045, the South Core of Greenbelt Station, Phase III:

- 1. Prior to certificate approval of the Detailed Site Plan, revise the site plan to relocate the pedestrian overpass to the area shown as Alignment 2 in the City of College Park Pedestrian Overpass Feasibility Study (copy attached).**
 - a. Remove townhomes on lots 34, 35, 40 and 41.**
 - b. Prior to certificate approval of the DSP, delineate a proposed easement area for said overpass location that does not detrimentally affect Greenbelt Station. Dedicate a 50-foot Public Use Easement to accommodate a 12-foot wide trail and 16-foot wide bridge per AASHTO Guidelines.**

If the site plan is revised at or before the Planning Board hearing, accommodation for the pedestrian overpass may be made in the vicinity of the location named above particularly to respond to green space that may be added.

- 2. Prior to certificate approval of the DSP, the applicant shall provide a determination from a certified sound engineer that indicates whether exterior reflective noise from the proposed sound wall will have a perceptible impact to residences in the 5200 block of Huron Street and the 9300 and 9400 block of 51st Avenue in North College Park. If there is such an impact, the applicant shall revise the DSP to include measures such as an absorptive material or coating in order to mitigate reflective noise.**
 - a. The absorptive material or coating shall have a Noise Reduction Coefficient (NRC) of 0.70 or greater.**
 - b. The absorptive material or coating shall be used for the entirety of the west side of the wall facing the railroad tracks.**

- 3. Prior to certificate approval of the Detailed Site Plan, provide the City of College Park with broker information regarding the retail listing and promotional material.**
- 4. Subsequent to the determination that Lot 116 is to be retail or a public park and prior to the issuance of a building permit for Lot 116, a DSP revision shall be required to address site layout and building details.**

Councilmember Wojahn stated that the project is located entirely within the City of Greenbelt and is subject to a Development Agreement between the City of Greenbelt and the Applicant, as well as revised conditions of approval related to the Conceptual Site Plan. The District Council resolution for CSP-01008-02 states that the “general location of the College Park pedestrian overpass shall be on the west side of the railroad south of the city’s Public Works facility on industrial-zoned property west of the tracks...” An independent study by the City examined opportunities for construction of the pedestrian overpass and found only one feasible location that conformed with the condition. No design, approvals or construction funding is currently provided for the bridge or required of the applicant. The overall density of the project and related traffic impacts are in conformance with previous Conceptual Site Plan and Preliminary Plan conditions limiting total development to 900 residences and 180,000 square feet of retail or different uses generating no more than 1,645 total peak hour trips. The total am and pm peak-hour trips generated by this project are 242 trips. Previously approved development for the South Core generates a total of 851 peak hour trips for a total of 1,093 trips generated by the build out of the South Core. This is below the total trip cap maximum of 1,645 trips that can be generated based on the transportation improvements that are required and under construction. As proposed, Greenbelt Station will provide 805 residences or 95 residences below the approval threshold. The retail square footage may be reduced or eliminated. The reduction in the number of housing units has consequently reduced the number of trips to be generated. If the retail space is reduced or eliminated, the trip generation will be lowered even more. Based on city staff discussions with HUSH Acoustics LLC, noise consultants for the project, the impacts of reflective noise from the proposed sound wall on nearby residences should be negligible due to the distance of the nearest homes to the railroad tracks. Use of an absorptive coating or material for the sound wall could be implemented if a negative impact is determined to mitigate this concern.

Terry Schum commented that 1B should be deleted as it conflicts with 1A.

Mayor Fellows invited audience comments:

Ms. Mary Cook, 4705 Kiernan Road, President of North College Park Civic Association:

Ms. Cook read the letter from the North College Park Civic Association (copy attached to packet). Their civic association would like to have the pedestrian bridge completely removed and oppose tax monies to be used for it. If the pedestrian bridge is to remain, the location must be changed. The residents also want the sound barrier to be designed of materials that will absorb the sound, not reflect the sound.

Ms. Christine Nagle, 9506 52nd Avenue: The noise study is concerning and she is especially concerned with the amount of noise and requested that we go back to the original motion or language that was suggested by the North College Park

Ms. Mary Cook, 4705 Kiernan Road: Concurs with Ms. Nagle's comments. She also mentioned that the density of the project is directly related to the amount of traffic.

Mr. Shroder, 4909 Muskogee Street: Commented on the storm water provision of the prior developer. He thinks the pedestrian bridge will be good for College Park.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to make an amendment to add a comment to the motion: "While the current number of proposed units meets the trip cap established for South Core, we are concerned about changes to and increases in traffic circulation in College Park as a result of the project. The City asks for consideration in reducing the density of units in the development, in order to add more green space within the development and reduce overall trip count through the development, subsequently reducing traffic impacts on MD-193 and Rhode Island Avenue in College Park."

Councilmember Kabir stated that once the proposed Greenbelt Parkway is built connecting the north and south core developments, and the proposed FBI development takes place in north core, the trip count through the development from MD-193 to the beltway is expected to rise significantly.

Comments from the audience on the amendment:

Mr. Norman Rivera, attorney for the applicant, Woodlawn Development: gave a history of the project and stated that they are in agreement with Conditions 2 – 4 but requested that Condition #1 be deleted.

The amendment to the motion passed 7 – 0 - 0.

A motion was made by Councilmember Kabir and seconded by Councilmember Mitchell to table motion 15-G-132 until January 5 at which time the City will be able to obtain input from the City of Greenbelt and obtain more information concerning a noise study.

The motion to table to January 5 passed 7 – 0 - 0.

Councilmember Hew requested that bicycle lanes on the bridge and in the vicinity of the bridge be addressed.

15-G-134 Approval of a letter with City comments to the Prince George's County Board of License Commissioners for their December 2 show-cause hearing on the September 26, 2015 incident at the Backyard Sports Grill

A motion was made by Councilmember Day adopt a letter to the Board of License Commissioners for Prince George's County ("BOLC"), in substantially the form attached, to present the City's position with respect to the Show Cause Hearing to be held by the BOLC concerning an incident which occurred on September 26, 2015 at DKL Investments, Inc., t/a Backyard Sports Grill, located at 7313 A and B Baltimore Avenue, College Park, Maryland 20740. The letter requests that, based on the severity of the case, and the fact that this is the second incident involving a serious violation of the law, the liquor license for this premises be

revoked, and that the BOLC take any other action necessary to prevent further threats to the public health and safety. City staff is authorized to appear at the show cause hearing to present the City's position. The motion was seconded by Councilmember Stullich.

Councilmember Day commented that on September 26, 2015, an incident occurred inside the Backyard Sports Grill that involved a large fight during early morning hours. Security personnel were unable to break up the fight, which then spilled into the street. During the altercation, an off-duty Prince George's County police officer who was working secondary employment at the premises was assaulted. It has also been determined that a promoter was involved in the entertainment, which is a violation of BOLC rules. This occurred in spite of the fact that the owners had assured the Mayor and Council during a work session on September 15, 2015 that they would cease using promoters. This is the second incident that has occurred at the premises in the recent past involving a violent incident and use of promoters. Revocation of the license is necessary to prevent any further threats to public health and safety.

Ms. Ferguson stated that a letter has been received by the establishment's legal counsel and the letter is in the packet for the record and Council's review.

The motion passed 7-0-0.

**15-G-135 Greenbelt Request for Four Cities Letter to County Council Prioritizing
Greenbelt Road Streetscape Improvement Project**

Councilmember Wojahn made a motion to authorize the Mayor to sign the attached letter from Four Cities requesting that the Greenbelt Road Streetscape Improvement Project be moved from second to first priority for planning projects in the County's 2015 list to the State. The motion was seconded by Councilmember Kabir.

The motion passed 7-0-0

**15-O-05 Adoption of Ordinance 15-O-05, An Ordinance of the Mayor and Council of
the City of College Park to Amend the Fiscal Year 2016 Operating and
Capital Budget of the City of College Park, Maryland**

A motion was made by Councilmember Day and seconded by Councilmember Dennis to adopt Ordinance 15-O-05, An Ordinance of the Mayor and Council of the City of College Park to Amend the Fiscal Year 2016 Operating and Capital Budget of the City of College Park, Maryland (Amendment #1).

Councilmember Day stated that this budget amendment ordinance was introduced on November 10th and a public hearing was held earlier this evening.

Our auditors have changed the financial statement treatment of our purchase of prior service credit in the Maryland State Retirement Plan (MSRP) by booking the full amount of the purchase in fiscal year 2015. This change does not affect the financial condition of the City; it is simply

an accounting adjustment to the statement of revenues and expenditures to comply with generally accepted accounting principles (GAAP). As the full amount of the purchase was booked in the fiscal year 2015 financial statements, it is not necessary for us to budget \$250,000 each in fiscal years 2016 and later for repayment to the General Fund.

The attached revised FY2016 budget amendment #1 does not change the -0- use of unassigned reserve. It amends the FY2016 budget to:

1. Eliminate the FY2016 budgeted expenditure of \$250,000 for repayment to the General Fund for the MSRP prior service credit purchase,
2. Provide \$7,000 for University of Maryland program contributions to cover the Council-approved contribution to the IFC tailgates,
3. Provide \$15,000 for the Council-approved rental of voting machines for the November 3rd elections, and
4. Provide \$228,000 in additional funding for the City Hall Expansion (C.I.P. project 041003) to cover design and construction of a new City Hall. The City Hall project funding will ultimately reduce the amount the City has to borrow for a new City Hall.

The ordinance would increase the current unassigned reserve balance from 17.7% to 29.4% of the FY 2016 expenditure budget.

Ms. Ferguson stated that state law requires a super majority vote on this ordinance.

Councilmember Kabir requested that in the next budget session that money is reserved for the Rhode Island Avenue Streetscape project. He also stated that he received a comment from a resident asking why the City was providing money to the University of Maryland to fund IFC tailgates.

Cole Holocker, Student Liaison stated that the grant money the City is providing to assist the IFC impacts the entire City.

Councilmember Stulich stated that the small amount of money the City contributes to the IFC tailgates is very well spent as it has dramatically reduced game day tailgate associated parties in the community.

Councilmember Day stated that contributing money to the University of Maryland will put tailgating back on campus and we can move forward to create solutions to blend the University and City together.

Councilmember Wojahn stated that we need to look at ways for the Rhode Island Avenue Streetscape project to move forward.

Motion passes: 7-0-0

15-O-07 Introduction of Ordinance 15-O-07, An Ordinance Of The Mayor And Council Of The City Of College Park, Amending Chapter 11 “Authorities”, Article II, “Airport Authority”, §11-5 “Creation; Members; Compensation; Conflicts Of Interest” And §11-6, “Purpose; Use Of Airport”; Chapter 15

“Boards, Commissions And Committees”, Article II, “College Park Recreation Board”, §15-3, “Membership; Terms” And Article VIII, “Committee For A Better Environment”, §15-34, “Powers And Duties” ; And Chapter 179 “Tree And Landscape Maintenance”, §179-2, “Purpose; Applicability”, §179-5, “Tree And Landscape Board” And §179-6, “Comprehensive Landscape Plan; Costs” To Incorporate Changes Recommended By The Airport Authority, Committee For A Better Environment And The Tree And Landscape Board, To Remove Certain References To Conflicts Of Interest From §11-5, To Set The Membership Of The Recreation Board At Up To Ten Members With The Goal Of Representation From Each District, And To Make Certain Non-Substantive Changes.

A motion was made by Councilmember Stulich and seconded by Councilmember Day to introduce Ordinance 15-O-07. A Public Hearing will be held on Tuesday, January 12 at 7:15 p.m. in the Council Chambers.

15-G-133 Appointments to Boards and Committees

A motion was made by Councilmember Hew and seconded by Councilmember Dennis to reappoint Frank Rose to the Ethics Commission; appoint Adam Killian to the Committee for Better Environment; and appoint Wendy Rodeffer to the Animal Welfare Committee.

Motion passes: 7-0-0

COUNCIL COMMENTS:

All Councilmembers wished the staff and residents of College Park a Happy Thanksgiving and to shop small on Saturday.

Mayor Fellows stated that this was his last full Council meeting and he thanked everyone for working with him throughout his term.

COMMENTS FROM THE AUDIENCE: None.

ADJOURN: A motion was made by Councilmember Dennis and seconded by Councilmember Stulich to adjourn the meeting and with a vote of 7 – 0 – 0, Mayor Fellows adjourned the meeting at 9:11 p.m.

Yvette T Allen, CMC
Assistant City Clerk

Date
Approved

Pursuant to §C6-3 of the College Park City Charter, at 9:14 p.m. on November 17, 2015, a motion was made by Councilmember Brennan and seconded by Councilmember Dennis to enter

into a Closed Session to consult with Counsel on a legal matter and to discuss a negotiating strategy before a contract is awarded. The motion passed 8 – 0 – 0 and the Council entered into the closed session at 9:23 p.m.

Present: Mayor Andrew Fellows; Councilmembers Kabir, Wojahn, Brennan, Dennis, Stullich, Day, Hew and Mitchell.

Absent: None.

Also Present: Suellen Ferguson, City Attorney; Scott Somers, City Manager; Janeen Miller, City Clerk; Bill Gardiner, Assistant City Manager; Terry Schum, Planning Director; Cole Holocker, Student Liaison; and Councilmembers-elect Cook, Kujawa and Nagle.

Topics Discussed: The City Attorney discussed the negotiation of an agreement with a developer.

Actions Taken: None.

Adjourn: A motion was made by Councilmember Brennan and seconded by Councilmember Day to adjourn the closed session, and at 9:55 p.m. with a vote of 8 – 0 – 0, Mayor Fellows adjourned the meeting.